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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/826,317	04/19/2004	Tony Larsson	0119-176	1069	
42015	7590	02/02/2009	EXAMINER		
POTOMAC PATENT GROUP PLLC		REDDIVALAM, SRINIVASA R			
P. O. BOX 270		ART UNIT		PAPER NUMBER	
FREDERICKSBURG, VA 22404		2419			
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		02/02/2009		ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tammy@ppglaw.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/826,317	LARSSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	SRINIVASA R. REDDIVALAM	2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 November 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 and 9-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4 and 9-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, and 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cansever (US Patent No: 6,678,252 B1) in view of Morris et al. (US pub. No: 2003/0149794 A1).

**Regarding claim 1,** Cansever teaches in an ad-hoc network wherein data packets are sent from a source node to a destination node via an established route, a source node (see node i in Fig.5) comprising: means (see Transmitter/Transceiver block 512 in node i in Fig.5) for requesting route discovery between the source node and a destination node over existing subnetworks (see col.7, lines 13-20 wherein generation of a route request packet from a source node to destination node to initially identify a path from source to destination in MANETs is mentioned); means for determining (see Receiver/ Transceiver block 512 in node i in Fig.5) whether said request for route discovery between the source node and the destination node over existing subnetworks fails (see col.7, lines 36-38 wherein source node not receiving a reply packet within a specified period of time is mentioned); and means (see Processor block 504 in node i in Fig.5) for determining a route between the source node and the destination node by forming and/or reforming one or more new connections in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks fails (see col.7, lines 59-61 wherein establishment of a new path is mentioned when the existing path becomes unusable due to node mobility, etc.).

Cansever teaches the source node comprising means for determining a route between the source node and the destination node by forming and/or reforming one or more new connections in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks fails as mentioned above and **does not teach specifically** the means for determining a route between the source node and the destination node by **forming and/or reforming one or more subnetworks** in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks fails.

However, Morris et al. teach the source node comprising means for determining a route between the source node and the destination node by forming and/or reforming one or more **subnetworks** in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks fails (see page 4, para [0029] wherein the wireless node issuing message/advertisement to initiate **establishment of a piconet** is mentioned).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the source node of Cansever to have the source node comprising means for determining a route between the source node and the destination node by forming and/or reforming one or more **subnetworks** in response to determining that said request for route discovery between the source node and the destination node

over existing subnetworks fails, disclosed by Morris et al. for more efficient routing and higher throughput of data packets in ad-hoc mobile network.

**Regarding claim 2,** Cansever further teaches the source node wherein said means for requesting route discovery comprises: means for broadcasting a route discovery request message, for a route between the source node and the destination node over one or more existing subnetworks, if the source node is a member of one or more of the existing subnetworks (see col.7, lines 21-33 wherein broadcasting of a route request packet from source node to destination node over an existing connection in a subnetwork is mentioned).

**Regarding claim 3,** Cansever further teaches the source node wherein said means for determining whether said request for route discovery between the source node and the destination node over existing subnetworks fails comprises: means for determining if a timely reply message is received by the source node in response to the broadcast route discovery request message (see col.7, lines 36-38 wherein the source node not receiving a reply packet within a specified period of time and re-issuing the route request packet are mentioned).

**Regarding claim 4,** Cansever does not teach specifically the source node, wherein said means for determining a route comprises: means for establishing a route between the source node and the destination node over one or more newly formed

and/or reformed subnetworks in response to determining that a timely reply was not received.

However, Morris et al. teaches the source node comprising means for establishing a route between the source node and the destination node over one or more newly formed and/or reformed subnetworks in response to determining that a timely reply was not received (see page 4, para [0029] wherein the wireless node issuing message/advertisement to initiate establishment of a piconet is mentioned).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the source node of Cansever to have the source node comprising means for establishing a route between the source node and the destination node over one or more newly formed and/or reformed subnetworks in response to determining that a timely reply was not received, disclosed by Morris et al. for more efficient routing and higher throughput of data packets in ad-hoc mobile network.

**Regarding claim 9,** Cansever teaches in an ad-hoc network, an arrangement for establishing a route over which data packets are to be sent from a source node to a destination node, the arrangement (see Figures 2 and 3) comprising: a source node (see node i in Fig.5); and at least one destination node (node j=4 in Fig.2), wherein the source node (see node i in Fig.5) comprises: means (see Transmitter/Transceiver block 512 in node i in Fig.5) for requesting route discovery between the source node and the destination node over existing subnetworks (see col.7, lines 13-20 wherein generation

of a route request packet from a source node to destination node to initially identify a path from source to destination in MANETs is mentioned); means (see Receiver/Transceiver block 512 in node i in Fig.5) for determining whether said request for route discovery between the source node and the destination node over existing subnetworks fails (see col.7, lines 36-38 wherein source node not receiving a reply packet within a specified period of time is mentioned); and means (see Processor block 504 in node i in Fig.5) for establishing a route between the source node and the destination node by forming and/or reforming one or more new network connections in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks failed (see col.7, lines 59-61 wherein establishment of a new path is mentioned when the existing path becomes unusable).

Cansever **teaches** the source node comprising means for establishing a route between the source node and the destination node by forming one or more new connections in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks failed as mentioned above and **does not teach specifically** the means for establishing a route between the source node and the destination node by **forming and/or reforming** one or more **subnetworks** in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks failed.

However, Morris et al. teaches the source node comprising means for establishing a route between the source node and the destination node by forming

and/or reforming one or more subnetworks in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks failed (see page 4, para [0029] wherein the wireless node issuing message/advertisement to initiate **establishment of a piconet** is mentioned).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the arrangement of Cansever to have the source node comprising means for establishing a route between the source node and the destination node by forming and/or reforming one or more subnetworks in response to determining that said request for route discovery between the source node and the destination node over existing subnetworks failed, disclosed by Morris et al. for more efficient routing and higher throughput of data packets in ad-hoc mobile network.

**Regarding claim 10,** Cansever further teaches the arrangement, wherein the means for determining whether said request for route discovery between the source node and the destination node over existing subnetworks failed comprises: means for determining whether the source node received a timely reply in response to the request for route discovery (see col.7, lines 36-38 wherein the source node not receiving a reply packet within a specified period of time and re-issuing the route request packet are mentioned).

**Regarding claim 11,** Cansever and Morris et al. together teach the arrangement of claim 9.

Morris et al. further teach the arrangement wherein the network is a Bluetooth technology based network (see page 2, para [0015]).

**Regarding claim 12,** Cansever teaches in an ad-hoc network, an arrangement for establishing a route between a source node and a destination node over which data packets are to be sent, the arrangement (see Figures 2 and 3) comprising: a plurality of nodes that communicate with each other over one or more subnetworks (see Fig.2); a source node (see node i in Fig.5) ; and a destination node (see node j=4 in Fig.2), wherein the source node (see node i in Fig.5) comprises: means (see Transmitter/Transceiver block 512 in node i in Fig.5) for broadcasting a route discovery request message for a route between the source node and the destination node over one or more existing subnetworks if the source node is a member of one or more of the existing subnetworks (see col.7, lines 13-33 wherein generation of a route request packet from a source node to destination node to initially identify a path from source to destination in MANETs is mentioned) ; means (see Receiver/ Transceiver block 512 in node i in Fig.5) for determining if a timely reply message is received by the source node in response to the broadcast route discovery request message (see col.7, lines 36-38 wherein the source node not receiving a reply packet within a specified period of time and re-issuing the route request packet are mentioned) and means (see Processor block 504 in node i in Fig.5) for establishing a route between the source node and the destination node by forming one or more new connections in response to determining

that a timely reply message was not received (see col.7, lines 59-61 wherein establishment of a new path is mentioned when the existing path becomes unusable).

Cansever **teaches** the source node comprising means for establishing a route between the source node and the destination node by forming one or more new connections in response to determining that a timely reply message was not received as mentioned above and **does not teach specifically** the source node comprising means for establishing a route between the source node and the destination node by **forming and/or reforming** one or more **subnetworks** in response to determining that a timely reply message was not received.

However, Morris et al. teaches the source node comprising means for establishing a route between the source node and the destination node by forming and/or reforming one or more subnetworks in response to determining that a timely reply message was not received (see page 4, para [0029] wherein the wireless node issuing message/advertisement to initiate **establishment of a piconet** is mentioned).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the source node of arrangement of Cansever to have the source node comprising means for establishing a route between the source node and the destination node by forming and/or reforming one or more subnetworks in response

to determining that a timely reply was not received, disclosed by Morris et al. for more efficient routing and higher throughput of data packets in ad-hoc mobile network.

**Regarding claim 13,** Morris et al. further teaches the source node of the arrangement further comprises: means for establishing a route between the source node and the destination node by forming and/or reforming one or more subnetworks in response to determining that the source node is not a member of one or more of the existing subnetworks (see Fig.4 & page 5, paragraphs [0053] & [0054] wherein mobility of source node/slave node among piconets i.e. from 1<sup>st</sup> piconet to 2<sup>nd</sup> piconet is mentioned and also see para [0052]).

**Regarding claim 14,** Morris et al. further teaches the source node of the arrangement further comprises means for establishing a route between the source node and the destination node by forming and/or reforming one or more subnetworks in response to determining that the destination node is not a member of one or more of the existing subnetworks (see Fig.4 & page 5, paragraphs [0053] & [0054] wherein mobility of destination node/slave node among piconets i.e. from 1<sup>st</sup> piconet to 2<sup>nd</sup> piconet is mentioned).

**Regarding claim 15,** Morris et al. further teaches the source node of the arrangement further comprises: means for determining whether a route that includes one or more newly formed and/or newly reformed subnetworks is desirable, in response to determining that a timely reply in response to the route discovery request message is received by the source node (see Fig.3, and page 4, para [0029]).

**Regarding claim 16,** Morris et al. further teaches the source node of the arrangement further comprises: means for establishing a route between the source node and the destination node over one or more existing subnetworks if it is determined that a timely reply in response to the route discovery request message is received and it is determined that a route that includes one or more newly formed and/or newly reformed subnetworks is not desirable (see Fig.3, and page 4, paragraphs [0029] & [0030]).

**Regarding claim 17,** Cansever teaches the source node of the arrangement further comprises: means for establishing a route between the source node and the destination node over the one or more existing subnetworks if it is determined that a timely reply in response to the route discovery request message is received (see col.7, lines 17-36 wherein broadcasting of a route request packet and identifying a path from source node to destination node over an existing connection in a subnetwork is mentioned).

Cansever does not teach specifically the source node of the arrangement further comprises: determining that a route that includes one or more newly formed and/or newly reformed subnetworks is desirable, and for simultaneously initiating route discovery for a route between the source node and the destination node that includes one or more newly formed and/or reformed subnetworks.

However, Morris et al. teach the source node of the arrangement further comprises: determining that a route that includes one or more newly formed and/or newly reformed subnetworks is desirable, and for simultaneously initiating route discovery for a route between the source node and the destination node that includes one or more newly formed and/or reformed subnetworks (see Fig.3, and page 4, para [0029]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the source node of arrangement of Cansever to have determining that a route that includes one or more newly formed and/or newly reformed subnetworks is desirable, and for simultaneously initiating route discovery for a route between the source node and the destination node that includes one or more newly formed and/or reformed subnetworks, disclosed by Morris et al. for more efficient routing and higher throughput of data packets in ad-hoc mobile network.

**Regarding claims 18 and 19,** Morris et al. further teach the arrangement wherein ad-hoc network is a Bluetooth technology based network and the existing and newly formed and/or reformed subnetworks are piconets (see page 2, para [0015]).

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-4 and 9-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any response to this office action should be faxed to (571) 273-8300 or mailed

To:

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P.O. Box 1450  
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRINIVASA R. REDDIVALAM whose telephone number is (571)270-3524. The examiner can normally be reached on Mon-Fri 9:30 AM - 7 PM (1st Friday OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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01/26/2009  
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